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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STP INVESTMENTS LLC n/k/a STP FLEX LLC,
ELLIOT PRIGOZEN and RICHARD SHERIDAN,

Plaintiffs,

-against-

NEOTEK ENERGY, INC.,

Defendant.

Case No.: 22-cv-01490

~~PROPOSED~~ ORDER TO
TRANSFER VENUE TO
EASTERN DISTRICT OF
TEXAS

The Court finds that venue would be proper in the Eastern District of Texas, that a transfer would serve the convenience of parties and witnesses, and that a transfer would promote the interest of justice.

Accordingly, pursuant to 28 U.S.C. §1404(a) and the stipulation of the parties, it is hereby

ORDERED that this action is transferred to the United States District Court for the Eastern District of Texas; and it is

FURTHER ORDERED that Plaintiffs' time to file opposition to Defendant's pending motion to dismiss is adjourned to thirty days following the date of this Order.

Upon entry of this Order, the Clerk of this Court shall take all necessary steps to transfer this Action to the United States District Court for the Eastern District of Texas for all further proceedings, and shall close this case immediately.

Dated: 4/29/22

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

HON. VINCENT L. BRICCETTI
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STP INVESTMENTS LLC n/k/a STP FLEX LLC,
ELLIOT PRIGOZEN and RICHARD SHERIDAN,

Plaintiffs,

-against-

NEOTEK ENERGY, INC.,

Defendant.

Case No.: 22-cv-01490

**STIPULATION AND
[PROPOSED] ORDER TO
TRANSFER VENUE TO
EASTERN DISTRICT OF
TEXAS**

Plaintiffs STP Investments LLC n/k/a STP Flex LLC, Elliot Prigozen and Richard Sheridan ("Plaintiffs") and Defendant NeoTek Energy, Inc. ("Defendant"), by their respective counsel, hereby stipulate and agree to transfer this action to the Eastern District of Texas, subject to the approval of the Court.

WHEREAS, this action was filed on February 23, 2022 asserting claims against Defendant pursuant to 28 U.S.C. § 1332; and

WHEREAS, on April 6, 2022, Defendant filed a motion to dismiss asserting this action should be dismissed because this Court purportedly lacks personal jurisdiction over Defendant and arguing this is an inappropriate forum; and

WHEREAS, on April 18, 2022, Plaintiffs filed a letter motion informing the Court that notwithstanding Plaintiffs' position that this Court has jurisdiction and that this is a proper forum, Plaintiffs will agree to transfer this action to the Eastern District of Texas; and

WHEREAS, on April 18, 2022, the Court entered an Order requiring that "By 5/2/2022, plaintiffs must submit on the ECF docket either (i) a letter responding to the Court's Order dated 4/7/2022 (Doc. #15), or (ii) a notice of dismissal without prejudice to refiling the complaint in

the agreed-upon forum, or (iii) a proposed stipulation and order transferring the case to the Eastern District of Texas. The parties' time to file opposing and reply papers is STAYED pending the plaintiffs' submission due 5/2/2022"; and

WHEREAS, Defendant NeoTek Energy, Inc. is located in the Eastern District of Texas and consents to transfer this action to the Eastern District of Texas;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, upon the foregoing recitals, as follows:

1. The parties are presenting a proposed order, in the form attached hereto as Exhibit "A", to the Court, regarding a transfer of this action to the United States District Court for the Eastern District of Texas pursuant to 28 U.S.C. § 1404(a).
2. This stipulation, and the accompanying proposed order, shall be without prejudice to all claims and defenses of the parties as they existed at the time of the filing of the action in this Court, with the exception of the defense of lack of personal jurisdiction over the Defendant by the District Court for the Eastern District of Texas, which is hereby stipulated as waived in this Action.
3. The parties agree that Defendant's arguments asserted in its pending motion to dismiss with respect to (a) lack of personal jurisdiction and (b) forum non conveniens will be moot upon the transfer of this Action to the District Court for the Eastern District of Texas and that Plaintiffs' time to file opposition to Defendant's pending motion will be adjourned to thirty days following the date of the transfer Order.

Dated: April 29, 2022

MELTZER, LIPPE, GOLDSTEIN
& BREITSTONE, LLP

WEINER LAW GROUP LLP

By: /s/ Steven E. Frankel
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